

# IDAHO PUBLIC UTILITIES Commission

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August 18, 1994

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VIA FEDERAL EXPRESS

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RE: IAD File No. 94-101  
CC Docket 92-105

Dear Secretary:

Enclosed for filing is an original and nine copies of the Idaho Public Utilities Commission's comments in the above-referenced file. Please acknowledge receipt of this document by date-stamping the duplicate copy of this letter and returning it in the enclosed self-addressed, stamped envelope.

Sincerely,

Donald L. Howell, II  
Deputy Attorney General

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION**

**IN THE MATTER OF**

**USE OF N11 CODES AND OTHER  
ABBREVIATED DIALING  
ARRANGEMENTS.**

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**CC DOCKET NO. 92-105  
IAD FILE NO. 94-101**

**NOTICE OF  
PROPOSED  
RULEMAKING**

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**AUG 19 1994**

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**COMMENTS OF THE  
IDAHO PUBLIC UTILITIES COMMISSION**

The Idaho Public Utilities Commission (IPUC) hereby submits these comments in response to the request by the General Services Administration (GSA) for assignment of an N11 service code for use by the public to gain access to federal executive agencies and the Federal Communications Commission's (Commission) subsequent request for general comments on the use of N11 codes and other abbreviated dialing patterns.

The IPUC files these comments to encourage the Commission to reconsider its position on assignment of N11 codes and to ask that these codes be preserved for use only where the nationwide public interest will be served.

**BACKGROUND**

In the May, 1992 Notice of Proposed Rulemaking in CC Docket No. 92-105, the Commission proposed that N11 codes be made available for abbreviated dialing. The Commission opened the docket following the receipt of a petition for declaratory ruling filed by BellSouth Corporation. In October, 1993, the National Center for Law and Deafness and Telecommunications for the Deaf, Inc. filed a joint petition asking the Commission for direct

assignment or reservation of a uniform nationwide N11 number (711) to facilitate access by individuals with hearing and speech disabilities.

In a petition filed March 11, 1994, the GSA asked the Commission to assign an N11 service code for use by the public to gain access to federal executive agencies. Because the subsequent requests to use N11 codes were not received until after the close of the pleading cycle in CC Docket 92-105 and because of the many requests for use of the limited number of N11 codes, the Commission once again is seeking general comments on the best use for these N11 codes and other abbreviated dialing patterns.

## **COMMENTS**

The Idaho Public Utilities Commission wishes to address the general issue of the assignment of N11 codes and the importance of preserving the codes on a national basis for use in the public interest.

There has been much interest in the past couple of years in the assignment of N11 codes. The Commission has been under pressure from some local exchange carriers (LECs) and information service providers (ISPs) to allow for the assignment of these codes. Certainly, it is not difficult to understand the reason why ISPs are interested in these codes. Due to their scarcity and ease of use, these codes provide excellent marketing opportunities for ISPs that want to sell services to the public. For the LECs, these codes can also represent a significant revenue stream because supply and demand dictate that these codes can be sold at high rates.

There is also some historical goodwill associated with these codes. Unlike the reputation 900 numbers have gained and earned, N11 numbers have a public recognition that benefits from the 411 and 911 codes which have provided a public good to people for many years.

These codes, however, are a scarce resource and, as has been demonstrated by the 911 code, can provide enormous benefit to customers on a national basis. The assignment of the 711 code to the Telecommunication Relay System and the request by the GSA are good examples of the growing demand for these codes in the public sector. This is the use that the IPUC believes should be followed.

There has also been interest in using one of these codes to provide universal access to state government agencies in much the same manner as requested by the GSA for federal agencies. In addition, hearings were recently held on Senate Bill 2101, the Comprehensive One-Call Notification Act of 1994. This bill would require the FCC to establish a single, nationwide number to inform the public of any existing underground pipes or cable. The IPUC can see where sponsors of this bill may view an N11 code as a method by which to provide this service.

The TRS and GSA applications and S-2101 also demonstrate that, in a very short period of time, the demand for use of these codes for nationwide public interest uses will quickly deplete the number of remaining codes. If an N11 is assigned to the GSA, then there will be only four more codes will remain nationwide. If the FCC views public interest as a priority consideration in the use of these codes, then now is the time to take action to preserve them.

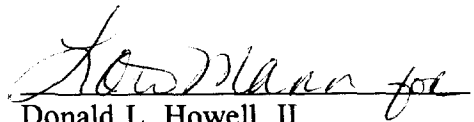
Those parties opposing the preservation of N11 codes argue that if a national service were to arise which requires the use of an N11 number and there are none left, then an ISP could be required to relinquish a number. It is not difficult to imagine, however, how an ISP would be reluctant to give up an N11 code after having spent considerable amounts of money and resources in developing services for this number. In fact, it might be legally argued by the ISP that such action is a taking of property that requires compensation. The best way to avoid such

a possibility is to not assign such a number in the first place. This is even more important when we see that if the known uses for these codes were granted, there would only be two or three codes left available.

It is clear that there is a growing awareness of the value of N11 codes in the public sector. The IPUC believes that the near-term dilemma will be the ability to accommodate the demand for N11 codes with the limited number of codes available. Assignment of those few available codes to ISPs will only exacerbate this problem. If ISPs believe that abbreviated codes are a necessary and useful part of their business, then the IPUC believes that their best course of action is to work with the LECs to expedite development of codes such as N11\*, N11# or other abbreviated dialing patterns.

The IPUC strongly encourages the Commission to reconsider its original decision in CC Docket No. 92-105. The IPUC believes that assignment of N11 codes to ISPs compromises the valuable nature of these codes. The IPUC asks the Commission to rule that because they are a scarce and valuable resource, N11 codes should be assigned only where the nationwide public interest has been clearly demonstrated and that any trials which are currently under way be allowed to run their course, but not be extended beyond that period.

Respectfully submitted this 18<sup>th</sup> day of August 1994.

  
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IPUC COMMENTS  
CC 92-105